

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.: 23-CR-10202-FDS
)	
LINDSAY GROVES)	

DEFENDANT’S EXHIBIT TO RULE 11 HEARING

Now comes the Defendant, Lindsay Groves, by and through her attorney, Jessica Thrall, who provides the Defendant’s proposed amendments to the Court’s colloquy as an exhibit to the Rule 11 Hearing scheduled for October 14, 2025.

LINDSAY GROVES

By her Attorney

/s/ Jessica P. Thrall
Jessica P. Thrall, B.B.O. 670412
Assistant Federal Public Defender
Federal Defender Office
51 Sleeper Street, 5th Floor
Boston, MA 02210
617- 223- 8061

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on October 14, 2025.

/s/ Jessica Thrall
Jessica Thrall

ANTICIPATED COLLOQUY - PLEA OF GUILTY – RED TEXT INDICATES DEFENDANT’S PROPOSALS

United States v. Lindsay Groves

No. 23-CR-10202-FDS

Outline

A. Purpose of Proceeding

[To counsel]

I understand that we are here for a change of plea pursuant to a pleas agreement under Rule 11(b).

B. Administration of Oath

Have the defendant take the stand and have clerk administer oath to defendant.

C. Warning

Do you understand that you are now under oath, and that if you answer any of my questions falsely, your answers may later be used against you in another prosecution for perjury or making a false statement?

D. Identifying Information

- 1. What is your full name?**
- 2. How old are you?**
- 3. How far did you go in school?**
- 4. Are you a citizen of the United States?**

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E. Language Issues

I understand you sometimes have difficulty responding to questions, especially if you feel under stress.

- 1. Are you having any trouble understanding my questions so far?**
- 2. Do you understand that you can take as much time as you need to answer my**

questions?

3. Do you understand that you can take a break at any time and speak with your lawyers?

4. Have you taken any medication or drug today? Is it affecting your ability to think clearly?

5. Do you understand why we are here today?

F. Representation by Counsel

1. Have you received a copy of the indictment pending against you—that is, the written charges made against you in this case?

Present the indictment to her. Have you seen this document? What is this document?

2. Have you fully discussed the charges against you, and the facts and circumstances of your case, with Ms. Thrall and Ms. Walker as your lawyers?

Without looking at your indictment, what are your charges?

3. Are you fully satisfied with the counsel, representation, and advice given to you in this case by your lawyers, Ms. Thrall and Ms. Walker?

Have your lawyers helped you?

Have your lawyers given you advice?

Are you happy with the advice they have given you?

G. Plea Agreement

1. Do you understand that you have entered into a plea agreement with the United States Attorney's Office?

You have a plea agreement with the Government. Have you read each part of it?

2. Did you sign the agreement?

3. Did you have an opportunity to read the agreement and to discuss it with your lawyers before you signed it?

4. [AUSA], would you please summarize the basic terms of the plea agreement?

5. Do you understand that that was only a summary of the plea agreement, and that the written plea agreement contains all of the terms to which you have agreed?

6. Do you believe that you understand the plea agreement?

Is there any part of the agreement you don't understand?

7. Do you understand that this is the *only* agreement that you have with the U.S. Government?

8. Has anyone made any *other* promise or assurance to you, of any kind, in an effort to get you to plead guilty?

Has anyone promised you anything to get you to plead guilty?

Has anyone made any guarantee to get you to plead guilty?

Or told you they were going to do anything for you, so long as you plead guilty?

9. Do you understand that under the plea agreement, the government has agreed to recommend a particular sentence [type of sentence]?

10. Do you understand that I have the power to accept or reject that recommendation?

11. Do you understand that I could reject it without permitting you to withdraw your plea of guilty?

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H. No Coercion

1. Has anyone attempted in any way to force you to plead guilty, or to threaten you if you did not?

Has anyone said or done anything to force you to plead guilty?

Has anyone threatened you if you did not plead guilty?

2. Are you pleading guilty of your own free will because you are in fact guilty?

Why are you pleading guilty?

What are your charges?

I. Finding of Guilt

1. Do you understand that the crime[s] to which you are pleading guilty is [are] a felony [felonies]?

2. Do you understand that if I accept your plea, you will be judged guilty of that [those] crime[s]?

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J. Maximum/Minimum Penalties

(1) Imprisonment

1. Do you understand that the maximum prison term is _____ years [on each count]?

2. [if mandatory minimum] Do you understand that I will be required to give you a term of imprisonment of at least _____ years?

(2) Supervised Release

3. Do you understand that in addition to a prison term, I will have the power to give you a term of supervised release of up to _____ years [on each count]?

4. [if mandatory minimum] Do you understand that I will be required to give you a term of supervised release of at least _____ years?

5. Do you understand that if you violate the conditions of your supervised release, you can be given additional time in prison?

(3) Fine

6. Do you understand that I will also have the power to impose a fine of up to \$_____ [on each count]?

(4) Forfeiture

7. [if applicable] Do you understand that by pleading guilty there may be forfeiture consequences, and that you may be required to forfeit certain property to the United States?

(5) Restitution

8. [if applicable] Do you understand that I may order you to pay restitution to any victim of your offense—in other words, I may order you to pay money to any victim to compensate them for any harm you caused?

(6) Special Assessment

9. Do you understand that in addition to everything else, you will be required to pay a \$100 special assessment [on each count, for a total of \$_____]?

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K. Collateral Consequences

1. Do you understand that by being judged guilty, you may lose valuable civil rights—including the right to vote, the right to hold public office, the right to serve on a jury, and the right to possess a gun?

2. Do you understand that by being judged guilty, you will be required to register as a sex offender, and to keep the registration current, in any place where you live, work, or attend school?

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L. Sentencing Guidelines and PSR

1. I now want to talk to you about the United States Sentencing Guidelines and how they might affect your sentence. The sentencing guidelines are designed for judges to use when determining the sentence in a criminal case. They are

not mandatory—that means I do not have to follow them. Nonetheless, they are important.

2. The sentencing guidelines provide a range of possible punishments for different types of crimes and different types of people. They also provide for what we call “departures” that make the punishment either greater or lesser if they apply.

3. Have you and your lawyers talked about the sentencing guidelines, and how they might apply to you?

4. Do you understand that Probation will prepare a Presentence Report before I sentence you?

What is the pre-sentence report?

5. Do you understand that the Presentence Report will contain information about you, and the crime[s] you committed?

6. Do you understand that the report will also contain a recommended application of the sentencing guidelines?

7. Do you understand that you will have an opportunity to read that report and to go over it with your lawyers?

8. Do you understand that you will have an opportunity to object to anything in that report?

9. Do you understand that although I am *not* required to *follow* the sentencing guidelines, I *am* required to *consider* the guideline sentence before I impose sentence on you?

10. Do you understand that by law I am also required to consider a number of different sentencing factors, including the nature and circumstances of the crime(s), your personal history and characteristics, and the need for the sentence to reflect the seriousness of the offense, promote respect for the law,

provide just punishment, provide adequate deterrence, and protect the public?

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M. Victims' Rights

Do you understand that any victim of your crime[s] has the right to participate in the sentencing proceeding, either in writing or in person?

N. Waiver of Appeal

1. Do you understand that under the plea agreement, you have waived your right to appeal any sentence I give you?

Have you given up your right to appeal any sentence I give you?

2. Do you understand that you have also waived your right to appeal your conviction (that is, your plea of guilty)?

Have you given up your right to appeal your conviction?

3. Do you understand that you have also waived your right to challenge your conviction and sentence in a future proceeding?

4. Do you understand that the only exceptions to that are you have kept the right to later claim that

(a) your lawyers did not provide you effective assistance of counsel; or

(b) that a member of law enforcement or the prosecution in your case engaged in misconduct in your case?

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O. Waiver of Trial Rights

1. Do you understand that you have the right to plead not guilty to the [any] crime charged against you, and to go to trial?

Do you have the right to plead not guilty?

2. Do you understand that you have the right to a trial by jury?

Do you have the right to a trial?

3. Do you understand that at the trial, you would be presumed to be innocent and the government would have to prove your guilt beyond a reasonable doubt?

At a trial, would you be presumed innocent?

Who has to prove your guilt beyond a reasonable doubt?

4. Do you understand that at the trial, you would have the right to the assistance of counsel for your defense?

Would your lawyer be able to help you at trial?

5. Do you understand that you would have the right to see and hear all the witnesses against you and to have them cross-examined in your defense?

Would your lawyer have a chance to cross examine any witnesses?

Would you have the right to see and hear the witnesses against you?

6. Do you understand that you would have the right to require witnesses to come to court to testify in your defense?

Would you have the right to require witnesses to come in and testify in your defense?

7. Do you understand that you would have the right, if you chose to exercise it, to testify in your defense?

Could you, if you wanted to, testify in your own defense?

8. Do you understand that you would have the right to refuse to testify, and to refuse to put on evidence, unless you voluntarily elected to do so?

Could the Court require you to testify at trial?

9. Do you understand that if you decided not to testify, or not to put on any

evidence, those facts could not be used against you?

If you did not testify at trial, could the Government use that choice against you?

10. Do you understand that by pleading guilty here today, if I accept your plea, there will be no trial and you will have waived or given up your right to a trial?

If you plead guilty, will there be a trial?

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P. Elements of Offenses

What are your charges?

1. [to AUSA] Would you please summarize the charge[s] against the defendant, describing the essential elements of [the offense/each offense charged]?

[if necessary]: I will ask you in a moment for the factual basis for the plea; right now I'm asking for the elements of the offenses.

2. Do you understand what the government would have to prove beyond a reasonable doubt in order for you to be found guilty at the trial as to [that charge/each of those charges]?

You have heard the Government state the elements of the offenses. Could you understand what they were saying?

Q. Factual Basis

1. [to AUSA] Would you please state the factual basis for the plea—that is, what the government would be prepared to prove if this case were to go to trial?

2. Do you disagree with anything in the government's description of the facts?

R. Change of Plea

I will now take the change of plea.

[Deputy Clerk asks: How do you now plead to the charge: guilty or not guilty?]

S. Findings

It is the finding of the court in the case of *United States v. Lindsay Groves* that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense[s] charged. The plea is therefore accepted, and the defendant is now adjudged guilty of [that/those] offense[s].

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T. Presentence Investigation and Report

As I've told you, a written Presentence Report will be prepared by Probation to assist me in determining your sentence. You will be asked to give information for that report. Your lawyers may be present if you wish.

If that interview has not yet been scheduled, I ask that counsel schedule it as soon as possible to avoid delays.

It is important that the report be accurate. It will not only affect what sentence you receive, but what happens to you after you are sentenced—for example, it will affect where you are sent to prison, and what happens to you when you get there. Even minor mistakes in the report should be corrected.

You will have a chance to read the report, and to go over it with your lawyers, and to make objections to it before the time of sentencing.

You will have the opportunity to speak at the time of sentencing, or to write a statement for me to read.

I will therefore refer you to Probation for the presentence investigation and preparation of the report.

U. [Sentencing]

That process usually takes about twelve weeks to complete, and so I will set sentencing for _____.